

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

DON BUTLER, *et al.*,

Plaintiffs,

v.

JAMES R. MCHENRY III, in his
official capacity as Acting Attorney
General of the United States, *et al.*,¹

Defendants.

Case No. 1:24-cv-00975-CLM

**DEFENDANTS' CONSENT MOTION FOR EXTENSION OF TIME
TO FILE REPLY**

Pursuant to Federal Rule of Civil Procedure 6(b) and the Court's Uniform Initial Order, ECF No. 16, Defendants respectfully move for an extension of time to file their reply in support of their Cross-Motion for Summary Judgment, ECF No. 23. Specifically, Defendants request that their reply deadline be extended by 21 days to February 21, 2025. Defendants have conferred with Plaintiffs, and Plaintiffs consent to this request.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), James R. McHenry III, in his official capacity as Acting Attorney General of the United States, is automatically substituted as a Defendant for former Attorney General Merrick Garland. Similarly, Marvin G. Richardson, in his official capacity as Acting Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), is automatically substituted as a Defendant for former ATF Director Steven Dettelbach.

Good cause exists to grant the requested relief. An extension would give Defendants adequate time to reply to the issues and arguments raised in Plaintiffs' opposition and reply brief, ECF No. 31, given the press of business in other matters. In light of the change in Administration, Defendants also request additional time to confer with new leadership within the Department of Justice and at the relevant agencies about this matter and to develop, and give full consideration to, an appropriate response. The requested extension would not unduly delay resolution of this case and would not prejudice any party, as shown by the fact that Plaintiffs consent to the request.

For the reasons stated above, the Court should grant this Motion and extend Defendants' deadline to file their reply in support of their Cross-Motion for Summary Judgment to February 21, 2025.

Dated: January 29, 2025

Respectfully submitted,

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Civil Division

ANDREW I. WARDEN
Assistant Director
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/s/ Keri L. Berman
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CERTIFICATE OF SERVICE

On January 29, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Alabama, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Keri L. Berman
Keri L. Berman
Trial Attorney
U.S. Department of Justice